

Support for the amendments to the claims is found in the specification. No new matter has been added in making the amendments herein.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

35 U.S.C. §103(a) REJECTIONS

Applicant traverses the rejection of claims 1-10 and 13-25 as being unpatentable over Fariabi, U.S. Pat. No. 5,636,641, in view of Fagan et al., U.S. Patent No. 5,720,300. In particular, Applicant has amended claims 1 and 8 to recite that the precipitation hardened material and superelastic material extend from the proximal section to the distal section of the composite elongate core. This feature is best seen in the longitudinal cross-sectional view of FIG. 1. In FIG. 1, the superelastic material is represented by reference numeral 37 and has distal section 64 and proximal section 67. The precipitation hardened material is represented by reference numerals 31 and 46 and has, respectively, distal sections 58 and 70 and proximal sections 55 and 73, and the composite elongate core is represented by reference numeral 11 and has tapered distal section 13 and proximal section 95. (See also the specification at pg. 8, ln. 19, to pg. 9, ln. 1, pg. 9, ln. 7, to pg. 10, ln. 3, and pg. 11, ll. 18-19). It is respectfully submitted that amended claims 1 and 8 are patentable over both Fariabi and Fagan et al. since neither teaches nor suggests a composite core formed in part of a precipitation hardened material and in part of a superelastic material, where the precipitation hardened material and superelastic material both extend from the proximal section to the distal section of the composite elongate core.

Although Fariabi teaches a core member having an outer sheath and inner member, Fariabi specifically teaches that the tapered distal section of the core member is formed by removing the outer sheath from the distal portion leaving only the inner NiTi member having moderate strength. (See Fariabi at col. 4, ln. 56, to col. 5, ln. 5 and col. 5, ll. 10-17 and Figs. 1 and 2). Therefore, the reference does not teach or suggest a composite elongate core formed in part of two materials which

extend from the proximal section to the distal section of the composite elongate core. An advantage of the present invention is that the distal section of the core member, by virtue of the precipitation hardened material, will have greater elastic strength and operability than a distal section formed only of a superelastic material. (See specification at pg. 12, ll. 14-19).

Fagan et al., on the other hand, does not teach the use of more than one material. The material selected for the core in Fagan is used throughout. Accordingly, modifying Fariabi by the teachings of Fagan et al. still does not result in a composite elongate core having precipitation hardened material and superelastic material that extend from the proximal section to the distal section of the composite elongate core.

Applicant respectfully submits that for the reasons given above, the invention as defined in amended claims 1 and 8 is distinguishable over the cited references. Applicant further respectfully submits that claims 2-7, which depend upon claim 1 and claims 9, 10, and 13-15, which depend upon claim 8, are also distinguishable over the cited references.

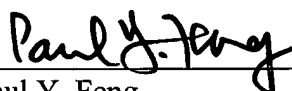
Applicant also traverses the rejection of claims 11 and 12 as being unpatentable over Fariabi in view of Fagan et al., in further view of Reiss et al. (PCT Publication No. WO 98/22024). According to the Examiner, Reiss discloses an elongated core element manufactured from a martensitic alloy that is heat-treated to render a fully hardened core. But Reiss adds nothing to the teachings of Fariabi and Fagan et al. with respect to a composite elongate core having precipitation hardened material and superelastic material that extend from the proximal section to the distal section of the composite elongate core. Therefore, Applicant respectfully submits that the invention as defined in amended claim 8 is distinguishable over the cited references. Applicant further respectfully submits that claims 11 and 12, which depend upon claim 8, are also distinguishable over the cited references.

CONCLUSION

Applicant has attempted to respond to each and every rejection set forth in the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully submits that all claims are now in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested and allowance at an early date is earnestly solicited.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP



Paul Y. Feng

Registration No. 35,510

Attorneys for Applicant

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696

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COMPOSITE GUIDEWIRE WITH DRAWN
AND FILLED TUBE CONSTRUCTION
Serial No. 09/470,874
Docket No. ACS-58267 (1700X)



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

The following claims have been amended as indicated:

1. (Twice Amended) A heat-treated elongate member formed at least in part of a composite elongate core, the composite elongate core having a proximal section and distal section, each section formed in part of a precipitation hardened material and in part of a superelastic material, wherein the precipitation hardened material and superelastic material extend from the proximal section to the distal section.

8. (Twice Amended) A heat-treated elongate member formed at least in part of a composite elongate core, the composite elongate core having a proximal section and distal section, each section formed in part of a precipitation hardened material and in part of a superelastic material, wherein the precipitation hardened material and superelastic material extend from the proximal section to the distal section, the precipitation hardenable material comprising at least two materials selected from the group consisting of nickel, cobalt, molybdenum, chromium, tungsten, and iron.